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Subject: FAA Docket No. FAA-2000-8017; Notice No. 00-11; Safe Disposition of Life-Limited Aircraft Parts; Agency Solicitation of Comments Regarding the Paperwork Reduction Act.

The Aeronautical Repair Station Association (ARSA) appreciates the opportunity to comment on the above-referenced rule. ARSA represents entities certificated under Part 145 of the Federal Aviation Regulations (FARs) and under similar regulations issued by National Aviation Administrations (NAAs) around the world. The Association also represents entities that distribute parts to international civil aviation businesses, as well as air carriers and manufacturers. These entities are directly impacted by the proposed rule.

After due consideration we find that the Federal Aviation Administration (FAA) may have dramatically underestimated the cost to the public and the agency in implementing the proposed rule. The following represents our comments on the request for information under the Paperwork Reduction Act. Language cited from the preamble to the proposed rule is set forth in *italics*, while our comments are in **bold**.

(i) *Evaluate whether the proposed information requirement is necessary for the proper functions of the agency, including whether the information has practical utility*.

According to the preamble to the Notice of Proposed Rulemaking (NPRM), the proposed rule requires the safe disposition of life-limited parts that have reached or exceeded their life-limits. This may be accomplished by marking or tagging the parts with their life status. Each person removing a life-limited part from a type-certificated product must ensure that the disposition of the part is controlled. The person removing the part need not be the same person implementing the requirements of the proposal.

Although the preamble states that the person removing the part need not be the same person implementing the requirements, the plain language of the rule applies to EACH person removing, segregating and dispositioning life limited parts.

In order to ensure that parts that have reached or exceeded their life-limits are not installed in type certificated products operating in civil aviation, the only person who must have information on the status of the part is the person installing the part. Since the proposed regulation covers many more persons, we believe that all the information being sought is not necessary for the proper function of the agency.

(ii) *Evaluate the accuracy of the agency's estimate of the burden*.

The preamble to the regulation states:

> *The likely respondents to this proposed information are persons responsible for removing and disposing of life-limited parts*.

In fact, the regulation applies to persons removing, segregating and dispositioning life-limited parts. The regulation also contemplates actions being taken on parts that will be re-installed in aircraft, engines and propellers. Therefore, the agency has underestimated the number of persons impacted by a significant amount.

The preamble continues by stating:

> *Of about 5,000 FAA certificated repair stations, the FAA believes about 1,500 would perform most of these procedures. Although some of these procedures may be carried out on behalf of air carriers and owner/operators in general aviation, the FAA believes that most of the procedures will be performed by a certificated repair station*.

The plain language of the regulation applies to EACH person removing, segregating and dispositioning life-limited parts. Many persons remove parts from civil aviation products, including but not limited to non-certificated individuals and companies, such as distributors, as well as, manufacturers during rebuilding or altering their own products, pilots, certificated A&P-rated mechanics and, air carriers performing maintenance on their own products. According to the FAA there are over 2500 aviation parts distributors, 150,000 A&P mechanics, 720,000 pilots and numerous air carriers. Although it is not known how many of those types of entities remove, segregate or disposition life-limited parts, the estimate of affected persons is limited solely to 1500 repair stations. We believe that is a significant underestimation of the persons affected by this proposed rulemaking.

The preamble also states:

> *The FAA estimates each of the 1,500 certified repair stations would perform 300 such procedures as an annual average. Each of the remaining 3,500 would average 50 procedures annually. Thus, the annual frequency of information requirements is 625,000 procedures*.

As stated above, the burden of the proposed regulation reaches many more persons than estimated by the FAA. Further, the estimated number of transactions does not correspond to the proposed language.

The plain language of the proposed rule contemplates the marking or tagging of a part EACH time it is removed from a type-certificated product. There can be as many as 300 life-limited parts in a single type-certificated product. For example, there are at least 39 life-limited parts on the Pratt & Whitney 4056 Engine which is used on the Boeing 747-400. Thus, an overhaul of a single set of engines from a 747-400 would represent no less than 156 life-limited parts. There are certificated repair stations that overhaul as many as 1000 engines per year. The 747 nose gear has at least 28 life-limited parts. Similar to engines, there are repair stations that overhaul hundreds of landing gear a year.

The rule language does apply the marking and/or tagging requirements solely to removal. The actual language in proposed section 43.1 entitled Applicability states:

> *(c) This part applies to each person who removes, segregates, or dispositions a life-limited part from a type-certificated product as provided in § 43.10.*

Each person means every individual or company, not just certificated persons. This addition, in essence, expands the definition of maintenance in Part 1.1 of the FARs to include the removal, segregation or disposition of any life-limited part.

Therefore, repair stations performing work subsequent to removal would be covered by the proposed regulation. Many certificated repair stations handle numerous life-limited parts during accomplishment of maintenance subsequent to removal. These parts will have to be marked, tagged, segregated or dispositioned under the proposed regulation. Therefore, the number of transactions contemplated by the agency is significantly underestimated.

The preamble continues:

> *This proposal would result in an annual recordkeeping and reporting burden as follows:*
>
> *(1) there would be 625,000 removal and disposal procedures annually;*
> *(2) the recordkeeping and recording part of each procedure would take 5 minutes; and,*
> *(3) the average fully burdened labor cost of the individuals performing the procedures is about $50 per hour.*
>
> *Thus, the total annual estimated burden of Public Law 106-81, which directs this rulemaking, would be $2,600,000 borne by a total of 5,000 respondents*.

The plain language of the regulation applies to EACH person removing, segregating and dispositioning. The documentation and/or marking of a life-limited part will take considerably more than the 5 minutes estimated by the agency. The marking of a life-limited part is a delicate and sensitive operation. If the part has been marked numerous times, the operation becomes more difficult and critical. The improper marking of a life-limited part can cause stress risers which could result in unsafe conditions.

Tagging of parts, similarly, will take more than the 5 minutes contemplated by the agency. The actual marking of the information on the tag is one of the operations necessary to ensure compliance with the proposed regulation. There is the administrative time necessary to ensure the proper ordering and processing of the tags; the time and money necessary to ensure proper tracking of information as the part is moved through the maintenance process; and, the time and money necessary for proper segregation and storage of parts before, during and after the installation or other disposition of the life-limited part.
We believe the numbers offered by the agency only contemplate the life-limited parts that would undergo a FINAL disposition, e.g., those that have reached or exceeded their life limits. The rule, however, contemplates the marking and/or tagging of parts that are still within their life limits and are eligible for installation on type-certificated products after maintenance has been accomplished. Therefore, the cost of compliance with this rule has been underestimated by at least one-half.

(iii) enhance the quality, utility, and clarity of the information to be collected.

The Association believes that the proposed language is overly broad and confusing. The time for submitting comments on the proposed regulation closes on January 30, 2001. The Association will submit suggestions for enhancing the quality, utility and clarity of the proposed language on or before that date. However the Association has summarized its general concerns about the proposed rule language in a chart set forth as Attachment 1.

(iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology

The proposed rule does not contemplate the use of modern technology to track the status of life-limited parts. The Association understands that the aviation industry is reviewing the feasibility of inserting microchips in parts that would make the part capable of self-recording every installation and removal action. An acknowledgement that the parts themselves may be able to record their own life-limits is essential to the continued viability of this regulation. As stated immediately above, the Association will suggest regulatory language in its final comments to the proposed rule on or before January 30, 2001.

The Association also supports the comments submitted by the Airline Suppliers Association.

Respectfully submitted,

Sarah MacLeod
Executive Director
Aeronautical Repair Station Association

TABLE 1

Proposed Language	Association Concern
Addition to 43.1 entitled Applicability: (c) This part applies to each person who removes, segregates, or dispositions a life-limited part from a type-certificated product as provided in § 43.10.	Each person means every individual or company, not just certificated persons. This addition, in essence, expands the definition of maintenance in Part 1.1 of the FARs to include the removal, segregation or disposition of any life-limited part.
Addition of § 43.10 **Disposition of life-limited aircraft parts**. (a) For the purposes of this section the following definitions apply. Life-limited part means any part for which a mandatory replacement time is specified in the Airworthiness Limitation section of a type certificate holder's maintenance manual or Instructions for Continued Airworthiness. Life status means the accumulated cycles, hours, or any other mandatory replacement time of a life-limited part.	These definitions should be placed in Part 1.1 of the FARs. The terms "life limit" and "life status" have been interpreted by policy for purposes of Part 121 recordkeeping. Any conflicts between the rule and other interpretative material will directly impact compliance with the proposed rule.
(b) After [the effective date of the final rule], each person who removes a life-limited part from a type-certificated product must ensure that the part is controlled using one of the methods in paragraphs (b)(1) through (6) of this section. The method must prevent the part from being installed after it has reached its life limit. Approved methods include: (1) The part may be segregated under circumstances that preclude its installation on a type-certificated product. These circumstances must include, at least— (i) Keeping a record of the serial number and current life status of the part, and (ii) Ensuring the part is stored separately from serviceable parts.	The proposal contemplates allowing different methods to be used each time the part is "removed from service" (a term or phrase that is not defined, but arrears to mean every time the part is removed from a type-certificated product). Under (b)(1), the part may be segregated and under (b)(2) the part may be marked with its "life status." If (b)(2) is ever used, the ability to segregate and tag the part will be lost because (b)(2) requires the status be updated each time the part is removed from service. This is confusing. Additionally, the last person to "remove a life-limited part" that has reached its life limit will be subject to enforcement if the part is ever installed in a type certificated product (apparently even if that product isn't used in civil aviation). The language clearly indicates that the method "must prevent the part from being installed after it has reached its life limit." Even though parts that have not exceeded their life limit are "serviceable" parts, must they be stored separately until installed?

Proposed Language	Association Concern
(2) The part may be permanently and legibly marked, if practical, to indicate its life status. The life status must be updated each time the part is removed from service. Unless the part is permanently removed from service, this marking must be accomplished in accordance with the manufacturer's marking instructions, in order to maintain the integrity of the part, as required under § 45.14 of this chapter.	The marking must be accomplished in accordance with instructions from the manufacturer, yet the change to Part 45 does not require the manufacturer to create the instructions UNLESS requested. Although the maintenance provider will be required to mark the "life status", there is no corresponding requirement that the owner/operator provide the "life status". As a practical matter the information may be available, but there is no requirement that it be complete or accurate when provided. This puts maintenance providers in an untenable regulatory position.
(3) The part may be destroyed in any manner that prevents installation in a type-certificated product.	This section should read "the part may be disposed of in any manner that prevents installation in a type-certificated product." This would allow either complete destruction (melting it down) or mutilation (cutting it into many small pieces) of the part.
(4) The part may be marked, if practical, to include the life status. The life status must be updated each time the part is removed from service. This marking must be accomplished in accordance with the pertinent manufacturer's marking instructions, in order to maintain the integrity of the part, as required by § 45.14 of this chapter.	See remarks for (b)(2) above.
(5) If it is impractical to mark the part, a tag may be attached to the part to include the life status. The tag must be updated to reflect life status each time the part is removed from service.	The definition of life status in the proposed rule only contemplates "accumulated" time, however, if (b)(5) is used, the tag must be "updated" each time the part is removed. Under current practice, most life-limited parts are "tagged" with "life status" upon removal, but the tag is usually not "updated," rather a new tag is issued each removal.
(6) Any other method approved by the Administrator.	The "other methods" should be explained in the preamble to the rule.

Proposed Language	Association Concern
(c) Each person who removes a life-limited part from segregation as identified in paragraph (b)(1) of this section, other than for immediate installation on a type-certificated product, must ensure that the part is controlled using one of the methods in paragraphs (b)(2) through (6).	This section only applies to the person removing the part. Persons that purchase life-limited parts would not be covered by this language. However, if a company paid individuals or contracted with another entity to remove life-limited parts, those entities would be subject to this proposed section.
Revise § 45.14 **Identification and disposition of critical components**. Each person who produces a part for which a replacement time, inspection interval, or related procedure is specified in the Airworthiness Limitations section of a manufacturer's maintenance manual or Instructions for Continued Airworthiness must permanently and legibly mark that component with a part number (or equivalent) and a serial number (or equivalent). When requested by a person required to comply with § 43.10 of this chapter, each person who produces a life-limited part must provide detailed marking instructions or must state that the part cannot practicably be marked without compromising its integrity.	The proposed definition of life-limited part in Part 43 is not required to be applied to this section. The producer is not required to provide information on marking or the inability to mark in the Airworthiness Limitations section of its maintenance manual or Instructions for Continued Airworthiness from the effective date of the final rule.